

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADAFRANK HEARRING,
Plaintiff,

v.

WILLIAM GITTERE, et al.,
Defendants.

Case No.: 3:24-cv-00004-ART-CLB

ORDER

On January 3, 2024, pro se plaintiff Frank Hearing, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and filed a completed financial certificate and an inmate trust fund account statement for the previous six-month period. (ECF Nos. 1-1, 1-3). But Plaintiff did not file an application to proceed *in forma pauperis* along with his financial documents.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

1 It is therefore ordered that Plaintiff has **until February 5, 2024**, to **either** file a
2 completed application to proceed *in forma pauperis* for an inmate on the Court's approved
3 form, with the inmate's two signatures on page 3; **or** pay the full \$405 filing fee.

4 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
5 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
6 to refile the case with the Court, under a new case number, when Plaintiff can file a
7 complete application to proceed *in forma pauperis* or pay the required filing fee.

8 The Clerk of the Court is directed to send Plaintiff Frank Herring the approved
9 form application to proceed *in forma pauperis* for an inmate and instructions for the same
10 and retain the complaint and exhibits (ECF Nos. 1-1, 1-2) but not file them at this time.

11 DATED THIS 4th day of January 2024.

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14 UNITED STATES MAGISTRATE JUDGE
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